



Department of Justice

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Northern District of New York

FOR IMMEDIATE RELEASE
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**MAN CHARGED WITH FAILURE TO COMPLY
WITH BORDER REPORTING REQUIREMENTS**

Bond Set by United States Magistrate Judge

[Plattsburgh, New York]—TEHORAHKWANEKEN HERNE, age 22, of Altona, New York, was charged by criminal complaint on February 24, 2012 with failure to stop and comply with reporting requirements at the Massena, New York port of entry maintained by the Department of Homeland Security, Customs and Border Protection (CBP), in violation of Title 19, United States Code, Section 1459, announced United States Attorney Richard S. Hartunian. On February 27, 2012, United States Magistrate Judge Larry A. Kudrle found HERNE in contempt for failing to submit to the authority of the federal court and comply with its orders during his initial appearance in Plattsburgh, New York. On March, 1, 2012, HERNE appeared again and was released with the condition that he post a bond of \$2,500. A preliminary hearing is scheduled on March 13, 2012 before Magistrate Judge Kudrle.

As stated in the criminal complaint, on February 24, 2012, HERNE's arrest resulted from his failure to stop for inspection as required by law. Around 5:55 a.m, HERNE arrived on foot at the Massena port of entry. He did not stop, but handed an officer his wallet, a lighter, and his cellular telephone. Officers instructed him to stop, but he did not comply and began to sprint toward the port of entry's exit control area north of State Route 37. Officers on foot and in a marked DHS vehicle pursued HERNE, but he refused to comply. Officers eventually tackled HERNE, where he continued to wrestle with officers and refused to be handcuffed. After officers used pepper spray,

they were finally able to arrest HERNE. HERNE had never indicated that he would comply voluntarily with officers' verbal commands.

After he was detained, HERNE told Homeland Security Investigation agents that he walked through the port of entry without stopping because he believed border officials have no right to inspect or question Native Americans. HERNE also told officers that he was upset with the fact that Canadian authorities had arrested his friend the previous night for illegally smuggling cigarettes into Canada from the United States. In his wallet, HERNE had a Kanien'keha:ka reservation (near Altona, New York) tribal identification card; a New York state drivers' license listing an Altona, New York address; and a Saint Regis Mohawk Tribe identification card.

The maximum potential penalty is one year in jail, a fine of \$5,000, one year of supervised release, and a court assessment of \$25.

Any questions may be directed to Assistant United States Attorney Elizabeth Horsman, U.S. Attorney Hartunian's Indian Country Liaison, Plattsburgh, New York at 518-314-7800.

The charges are merely accusations, and the defendant is presumed innocent until and unless proven guilty.